

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 94-184

AMENDMENT TO SITE CLEANUP REQUIREMENTS ORDER NO. 91-025 FOR:

TELEDYNE SEMICONDUCTORS INC.
1300 TERRA BELLA AVENUE
MOUNTAIN VIEW
SANTA CLARA COUNTY

SPECTRA-PHYSICS LASERS INC.
1250 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board) finds that:

1. Teledyne Semiconductors Inc. and Spectra Physics Lasers Inc. (TS/SP) are listed on the National Priority List (NPL). The sites have been identified as sources of contamination, and have been regulated by several Regional Board orders since 1986. The two sites are upgradient of an area known as North Bayshore in Mountain View. North Bayshore is defined in Finding 4.3, Order No. 91-025 as the offsite area for TS/SP, and is generally the area that is surrounded to the north by the City of Mountain View dewatering trench (landfill), and to the east and west by Armand Avenue and Permanente Creek, respectively (Figure 1). The releases from TS/SP have commingled with other contaminants from other sources in North Bayshore, and have created a regional plume.
2. The Board adopted Order No. 91-025 (final site cleanup requirements) for TS/SP on February 20, 1991. This order presented the selected final remedy and cleanup standards for TS/SP, and complied with all the requirements for a remedial action plan (RAP), with the exception of a preliminary nonbinding allocation of responsibility (NBAR) determination.
3. Potentially responsible party or PRP means any person who may be liable pursuant to Section 25323.5 of the Health and Safety Code and Section 107(a) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9607(a).
4. Health and Safety Code (HSC) Section 25356.1 requires the Board to prepare a preliminary NBAR among all identifiable PRPs before approving a final RAP. HSC Section 25356.3(a) allows PRPs with an aggregate allocation in excess of 50% to convene an arbitration proceeding by submitting to binding arbitration panel. If PRPs with over 50% of the allocation convene arbitration then any other PRP wishing to do so may also submit to binding arbitration.

The sole purpose of the NBAR is to establish which PRPs will have an aggregate allocation in excess of 50% and can therefore convene arbitration if they so choose. The NBAR, which is based on the evidence available to the Board, is not binding on anyone,

including PRPs, the Board, or the arbitration panel. If a panel is convened, its proceedings are de novo and do not constitute a review of the preliminary allocation. The arbitration panel's allocation will be based on the panel's application of the criteria spelled out in HSC Section 25356.3(c) to the evidence produced at the arbitration hearing. Once arbitration is convened, or waived, the NBAR has no further effect, in arbitration, litigation or any other proceeding, except that both the NBAR and the arbitration panel's allocation are admissible in a court of law, pursuant to HSC Section 25356.7 for the sole purpose of showing the good faith of the parties who have discharged the arbitration panel's decision.

5. Due to lack of technical data to identify all potential sources, the Board deferred the preliminary NBAR determination in February of 1991, and adopted the Order with the stipulation that the NBAR determination be done within 6 months. Since then the Board has identified other PRPs in the North Bayshore area as follows:
 - Montwood Corporation, former operator at the Plymouth Street Site and named in Site Cleanup Requirements Order No.93-005.
 - Peery/Arrillaga, owner of the 1098 Alta Site and named in Cleanup and Abatement Order No.92-004.
 - Technology for Communications International (TCI), former operator at 1625 North Shoreline Blvd.
 - Fairchild Semiconductor Corporation (Fairchild), former operator at 1625 N. Shoreline Blvd.
 - Millie Chuck, current owner of 1625 N. Shoreline Blvd.
 - Santa Clara County Transportation Agency (SCCTA), North Coach Division Site, current owner and operator of the site.
6. To date, PRPs east of Shoreline Blvd. consist of TCI, Fairchild, Millie Chuck, and SCCTA. However, there is continuing investigation in the area east of Shoreline which may lead to identifying other PRPs in this area, which in turn may exonerate some of the PRPs named in this Order. It is also likely that other PRPs will be identified in the near future for the site at 1098 Alta Avenue. Due to the preliminary nature of NBARs, it is not necessary to delay the adoption of this Order until investigations are completed.
7. Based on evidence to date, the North Bayshore Extraction System installed by Teledyne and Spectra-Physics has not significantly captured or remediated the plume originating at 1098 Alta Avenue.
8. The Board has considered the criteria in Section 25356.3(c) of the Health and Safety Code, and the NBAR determination proposed by Teledyne and Spectra-Physics in determining the preliminary NBAR among all identified PRPs.
9. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

10. The Board has notified the dischargers, PRPs and interested agencies and persons of its intent, and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.
11. The Board, in a public meeting, heard and considered all comments pertaining to this matter.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code and Section 25356.1 of the California Health and Safety Code, that Order No. 91-025 is amended as follows:

- A. The following paragraph is added as provision 17:

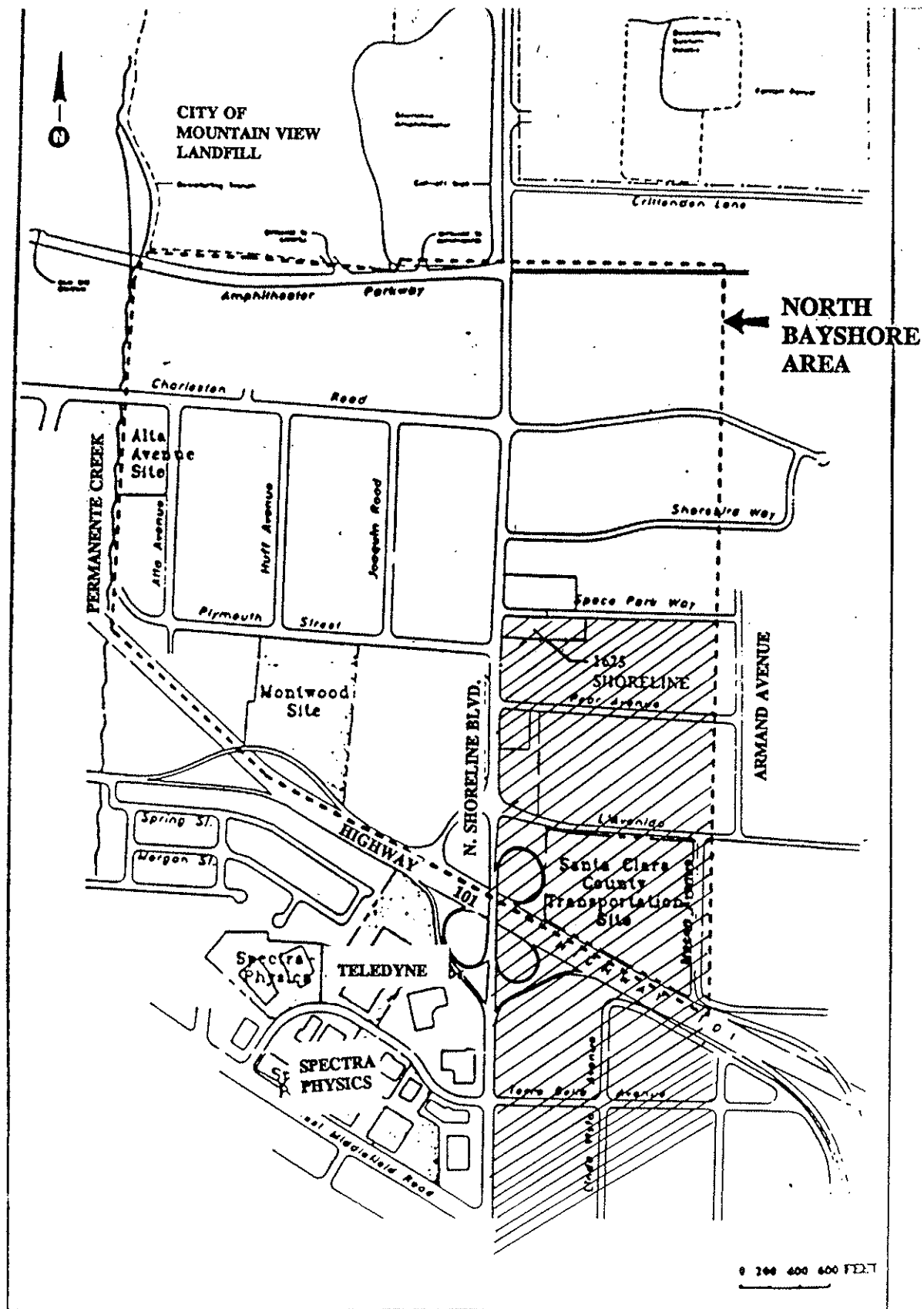
The Board sets forth the following preliminary, nonbinding allocation of responsibility for Teledyne, Spectra-Physics and all other PRPs in the offsite and onsite area as defined in Finding 4.3 of Order No. 91-025: Teledyne Semiconductors Inc., Spectra-Physics Lasers Inc., and Montwood Corporation are allocated a total of 75%, Peery/Arrillaga and any other PRPs identified in the future for 1098 Alta Avenue are allocated 10%, and the PRPs east of Shoreline Blvd. namely, Millie Chuck, Technology for Communication International, Fairchild Semiconductor Corporation, Santa Clara County Transportation Agency, and any other PRPs east of Shoreline Blvd and west of Armand Avenue identified in the future, are allocated a total of 15% .

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on December 14, 1994.

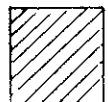


Steven R. Ritchie
Executive Officer

ATTACHMENT: FIGURE 1, LOCATION MAP



AREA EAST OF
SHORELINE BLVD.



LOCATION MAP

FIGURE 1